**IN THE HIGH COURT OF JUDICAUTRE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

**SUIT NO. 1053 OF 1984**

S.V. Phansikar ... Plaintiff

Versus

M.N. Shete ... Defendant

Mr. Abhijit Kadam i/by G.U. Limaye for Plaintiff.

**CORAM : F.I. REBELLO,J.**
**DATED : AUGUST 26, 2005**

**P.C.**

. By order dated 11.9.1984, following order was passed :

> "P.C. : By consent no order on notice of Motion. By consent suit placed on board and called out. Decree in terms signed by advocates and parties and handed in and marked "X" for identification."

. Thereafter chamber summons was taken out being Chamber Summons No.423 of 1986 in suit No. 1053 of 1984. By order dated 8.7.1986, the learned Single Judge has noted that the suit was decreed in terms of the consent terms. Chamber summons was only in respect of failure to comply with the consent terms. An appeal thereafter was taken out which was allowed to be withdrawn.

. Once the suit was decreed and the said decree by consent is not set aside, the question of further proceeding in the suit does not arise. Consequently, suit stands disposed of. Order of

this court dated 5.8.2005 directing suit to proceed without written statement is recalled in the exercise of powers of this court under Section 151 of Code of Civil Procedure.

**(F.I. REBELLO,J.)**